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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,432	02/19/2002	Pedro Emilio Rengifo	DN1999205USA	3710

7590

05/10/2004

The Goodyear Tire & Rubber Company
Patent & Trademark Department
Department 823
1144 East Market Street
Akron, OH 44316-0001

EXAMINER

GOFF II, JOHN L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/069,432	Applicant(s) RENGIFO ET AL.	
	Examiner John L. Goff	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6.

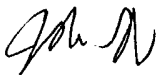
Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

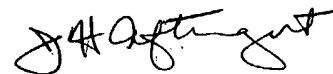
Continuation of 5. does NOT place the application in condition for allowance because:

Applicant argues, "In the repeated rejection, it is held that using either a "prefolded u-shape or folding the material to have a u-shape during its application as both methods were well known and conventional alternatives in the art for applying a restrictive material" (emphasis added by Applicant); Peterson being held as evidence of a known alternative in the art. However, Peterson is not relevant art for several reasons: the product and method of manufacturing disclosed by Peterson is a brush, not a belt and the restrictive material disclosed becomes a permanent element of the product being produced contrary to Elliott."

Elliott discloses applying a restrictive material having a u-shape to the longitudinal edges of a belt lay-up wherein the restrictive material prevents overflow of the belt during curing, it being noted the benefits disclosed by Elliott for using the restrictive material having a u-shape are the same as those disclosed by applicant. Elliott further suggests it is known to shape a restrictive material prior to its application (as disclosed in the prior art of Elliott) or during its application (as disclosed in the invention of Elliott). However, it is noted Elliott does not expressly recite preshaping the restrictive material into the u-shape in describing his invention. Thus, Peterson is cited merely as evidence of it being conventional in the art to shape a material being applied to the longitudinal edges of a substrate either prior to or during its application wherein both methods achieve the same result.



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571-272-1216



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